

**TRANSLATION****PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|---|---|---|
| Applicant's or agent's file reference<br><b>FYM0401-PCT</b>   | <b>FOR FURTHER ACTION</b>                                       | See Form PCT/IPEA/416                               |
| International application No.<br><b>PCT/JP2004/005342</b>   | International filing date (day/month/year)<br><b>14.04.2004</b> | Priority date (day/month/year)<br><b>12.09.2003</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>A61H7/0C , A46B13/02</b> |   |   |
| Applicant<br><b>YA-MAN LTD.</b>   |   |   |

|  |                                   |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
|--|-----------------------------------|---|-----------|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> |                                   |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>  |                                   | <input checked="" type="checkbox"/>   | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>  | Box No. I                         | Basis of the report   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. II                        | Priority  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. III                       | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. IV                        | Lack of unity of invention  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input checked="" type="checkbox"/>  | Box No. V                         | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. VI                        | Certain documents cited   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. VII                       | Certain defects in the international application  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>   | Box No. VIII                      | Certain observations on the international application   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Date of submission of the demand   | Date of completion of this report |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Name and mailing address of the IPEA/JP  | Authorized officer                |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Facsimile No.  | Telephone No.                     |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005342

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-2, 5-17 as originally filed/furnished
- pages\* 3-4/2 received by this Authority on 15.02.2005
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-2, 4-8, 10 as originally filed/furnished
- nos.\* 3, 9, 11-16 as amended (together with any statement) under Article 19
- nos.\* 17 received by this Authority on 15.02.2005
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets Fig. 1-10 as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (specify): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V   | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                           |     |
|---|---|---------------------------|-----|
| 1. Statement  |   |                           |     |
| Novelty (N)   | Claims  | <u>1-17</u>               | YES |
|   | Claims  |                           | NO  |
| Inventive step (IS)   | Claims  | <u>12, 15</u>             | YES |
|   | Claims  | <u>1-11, 13-14, 16-17</u> | NO  |
| Industrial applicability (IA)   | Claims  | <u>1-17</u>               | YES |
|   | Claims  |                           | NO  |
| 2. Citations and explanations (Rule 70.7)   |   |                           |     |
| Document 1: JP 10-15006 A (Lion Corporation), 20 January 1998, entire text; all drawings  |   |                           |     |
| Document 2: DE 670160 C (Ewald Schwanke), 12 January 1939, page 2, line 111 to page 3, line 6; fig. 9 and 10  |   |                           |     |
| Document 3: JP 11-197200 A (Matsushita Electric Works, Ltd.), 27 July 1999, entire text; all drawings   |   |                           |     |
| Document 4: Microfilm of the specification and drawings annexed to the Japanese Utility Model Application No. 121191/1984 (Laid-open No. 34924/1986) (Kanebo, Ltd.), 4 March 1986, entire text; all drawings  |   |                           |     |
| Claims 1, 2 and 5   |   |                           |     |
| Document 1 cited in the international search report sets forth a treatment apparatus provided with a casing which houses the electrical components, first and second groups of brushes provided in a protruding manner to the aforementioned casing, the tips of which are made to come into contact with the skin surface of the treatment subject, and a brush driving mechanism which operates the first and second groups of brushes in a reciprocating |   |                           |     |

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

manner in line with the skin surface in such a manner that the tip portion of the first group of brushes and the tip portion of the second group of brushes are repeatedly made to approach and move away from one another (see paragraphs [0054] to [0056]; fig. 10 in particular). Moreover, it is a known technique to provide a seal member for waterproofing in an apparatus which houses electrical components in a casing, and the invention set forth in claims 1, 2 therefore 5 does not involve an inventive step.

## Claim 3

Document 2 cited in the international search report sets forth an apparatus which carries out treatment of the skin using brush-shaped terminals, wherein the brushes of a first group of terminals and the brushes of a second group of terminals are staggered in a direction perpendicular to the direction of movement of these terminals, in order to avoid intersection of the movement trajectories of the terminals. Moreover, it would be easy for a person skilled in the art to apply the feature set forth in document 2 to the apparatus set forth in document 1.

## Claim 4

Document 3 cited in the international search report sets forth an apparatus which carries out treatment of the skin by brush-shaped terminals, wherein the casing comprises a first casing having a part which houses electrical components and a second casing which supports the terminals, and the casings are detachably engaged to one another. In addition, it would be easy for a person

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
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skilled in the art to apply the feature set forth in document 3 to the apparatus set forth in document 1.

## Claims 6 and 7

Document 4 cited in the international search report sets forth an apparatus which carries out treatment of the skin using brush-shaped terminals, wherein said apparatus is provided with an illuminating mechanism which irradiates light onto the skin surface, and terminals are made from a translucent material. In addition, it would be easy for a person skilled in the art to apply the feature set forth in document 4 to the apparatus set forth in document 1.

## Claim 8

Document 1 cited in the international search report sets forth a treatment apparatus provided with a casing which houses the electrical components, a first and second groups of brushes provided in a protruding manner to the aforementioned casing, the tips of which are made to come into contact with the skin surface of the treatment subject, and a brush driving mechanism which operates the first and second groups of brushes in a reciprocating manner in line with the skin surface in such a manner that the tip portion of the first group of brushes and the tip portion of the second group of brushes are repeatedly made to approach and move away from one another (see paragraphs [0054] to [0056]; fig. 10 in particular). Moreover, document 4 sets forth an apparatus which carries out treatment of the skin using brushes, wherein said device is provided with a light-irradiating means which irradiates the skin with light,

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

and wherein the terminals are made from a translucent material. Moreover, an apparatus which houses electrical components in a casing, wherein a seal member for waterproofing is provided, is a known feature. In addition, it would be easy for a person skilled in the art to apply the feature set forth in document 4 and the aforementioned known feature to the apparatus set forth in document 1.

## Claim 9

Document 2 sets forth an apparatus which carries out treatment of the skin using brush-shaped terminals, wherein the brushes of a first group of terminals and the brushes of a second group of terminals are staggered in a direction perpendicular to the direction of movement of these terminals, in order to avoid intersection of the movement trajectories of the terminals.

## Company 10

Document 3 sets forth an apparatus which carries out treatment of the skin using brush-shaped terminals, wherein the casing comprises a first casing having a part which houses electrical components and a second casing which supports the terminals, and the casings are detachably engaged to one another.

## Claims 11 and 14

In the apparatus set forth in document 4, using light whose wavelength falls within the region of 550 to 580nm as irradiating light is merely a matter which a person skilled in the art could select as necessary.

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## Claims 13 and 16

The terminal driving mechanism (brush driving mechanism) set forth in document 1 is understood to be provided with an arm, and a power transmitting member containing cams which provide operating force to the central portion of the arm to reciprocally move a first and second group of terminals (groups of brushes) (see fig. 10 in particular).

## Claim 17

Document 3 sets forth a treatment apparatus provided with brushes whose tips are made to come into contact with the scalp, a casing which supports the aforementioned brushes and houses the power supply and other electrical components, and a brush drive mechanism which drives the aforementioned brushes whose tips are made to come into contact with the scalp, thereby removing dirt from the aforementioned scalp and stimulating the aforementioned scalp. In addition, it is a known technique to provide a seal member for waterproofing to an apparatus which houses electrical components in a casing.

## Claims 12 and 15

The inventions set forth in claims 12 and 15 are not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.